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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/071,052    06/04/93    KREAMER    J    467312465

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HM12/0819

EXAMINER

CRIARES, T

ART UNIT

PAPER NUMBER

1614

16

DATE MAILED:

08/19/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Office Action Summary

Application No.

08/071,052

Applicant(s)

Kreamer

Examiner

Theodore J. Criares

Group Art Unit

1614

☒ Responsive to communication(s) filed on Sep 16, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 11-26 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 11-26 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1614

The final rejection of May 18, 1994 is withdrawn and prosecution is reopened.

Restriction to one invention is required under 35 U.S.C. 121.

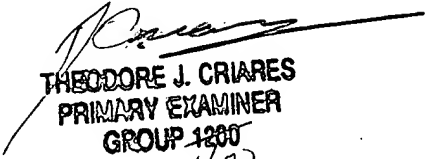
The claims are drawn to a synergistic effect as taught by applicants at page 4, of the specification. Applicants are required to (1) elect a single disclosed synergistic combination of specific compounds even though the requirement be traversed and (2) to add a claim directed to that specific combination of compounds since none of applicants claims 11-26 claim a synergistic combination.

The restriction is deemed proper due to the fact that unrelated combinations of compounds yielding synergistic effects are inherently unpredictable and are hence capable of supporting separate and distinct patents.

It is also noted that one specific synergistic combination of two compounds is known to be chemically distinct from another specific synergistic combination of two compounds and reference to one combination would not necessarily be a reference against the other combination under 35 U.S.C. 103.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Criares whose telephone number is (703) 308-4607.

  
THEODORE J. CRIARES  
PRIMARY EXAMINER  
GROUP 1200  
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